

Appl. No. 09/692,778
Amdt. Dated August 30, 2004
Reply to Office Action of June 1, 2004

Attorney Docket No. 81868.0017
Customer No.: 26021

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Office Action dated June 1, 2004. Claims 1-3 and 5-25 remain in the application. Claims 1, 10, 16, and 21 are the independent claims. Claims 1, 3, 5, 16, and 21 are amended. Claim 4 is cancelled without prejudice. It is believed that no new matter is involved in the amendments or arguments presented herein. Reconsideration and entrance of the amendment in the present application are respectfully requested.

Allowable Subject Matter

On page 2 of the Office Action, Claims 10-15 were allowed. In addition, Claims 4-5, 7-8, and 22-25 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner and formally recognizes the allowable subject matter of Claims 4-5, 7-8, and 22-25.

Art-Based Rejections

On page 2 of the Office Action, Claims 1-3, 6, 9, and 16-25 were rejected under 35 U.S.C. §102(b) over Hinotani (USPN 4,878,214).

The Applicant respectfully traverses the rejections and submits that the claims herein are patentable in light of the clarifying amendments above and the arguments below.

The Hinotani Reference

The Hinotani reference is directed to an objective lens supporting device for an optical pickup for use with an optical disc player, such as a compact disc player and a video disc player. (*See Hinotani, Col. 1, lines 6-10*). Hinotani discloses an

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objective lens supporting device for an optical pickup, wherein the spring constant of the supporting rod in the X-direction is identical with that in the Y-direction so as to make the oscillation characteristics in the focusing direction substantially the same as those in the tracking direction to thereby prevent the auxiliary resonance in the correcting operation. (*See Hinotani, Col. 2, lines 35-42*).

The Claims are Patentable over the Applied Reference

On page 2 of the Office Action, Claim 4 was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this paper, independent Claim 1 has been amended to include the patentable subject matter of Claim 4 and is now believed to be in condition for allowance and such allowance is respectfully requested.

Claims 2-3 and 5-9 depend either directly or indirectly from amended independent Claim 1 and recite additional features of the invention which are neither disclosed nor fairly suggested by the applied reference. Therefore, Claims 2-3 and 5-9 are also believed to be in condition for allowance and such allowance is respectfully requested.

On page 2 of the Office Action, independent Claim 10 was allowed. By this paper, independent Claims 16 and 21 have been amended to include the patentable subject matter of allowed independent Claim 10. Accordingly, amended independent Claims 16 and 21 are believed to be in condition for allowance and such allowance is respectfully requested.

Claims 17-20 and 22-25 depend either directly or indirectly from amended independent Claims 16 and 21 and recite additional features of the invention which are neither disclosed nor fairly suggested by the applied reference. Therefore, Claims 17-20 and 22-25 are also believed to be in condition for allowance and such allowance is respectfully requested.

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The applied Hinotani reference fails to disclose, teach, or suggest the features of the present invention. On page 2, the Office Action states that Hinotani fails to suggest or fairly teach an optical pickup apparatus having four linear members each having a particular structure as recited in the claims of the present invention. Accordingly, Hinotani cannot be said to anticipate nor render obvious the invention, which is the subject matter of the present claims.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended herein, are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: August 30, 2004

By: 
Troy M. Schmelzer
Registration No.36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701